

package form and did not bear an accurate statement of the quantity of contents; (3) it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; and (4) it contained artificial flavoring but did not bear labeling stating that fact.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### DOG FOOD

**1655. Adulteration and misbranding of Set-Up Dog Food. U. S. v. 25 Cases of Set-Up Dog Food. Consent decree of condemnation and destruction. (F. D. C. No. 3396. Sample No. 18667-E.)**

This product contained smaller proportions of crude protein and fat than those declared on the label.

On November 16, 1940, the United States attorney for the District of Maryland filed a libel against 25 cases of Set-Up Dog Food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 28, 1940, by the Packer Products Co. from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing an average of 4.61 percent of crude protein and 0.44 percent of crude fat had been substituted for a product containing a minimum of 6.50 percent of crude protein and 2 percent of crude fat.

Misbranding was alleged in that the statements "Analysis Crude Protein Minimum 6.5% Crude Fat Min. 2%" were false and misleading since they were incorrect.

On March 6, 1941, the claimant, Gardner E. Goldsmith, trading as the Packer Products Co., having withdrawn his answer and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

#### NUTS AND NUT PRODUCTS

**1656. Adulteration of Brazil nuts. U. S. v. 137 Baskets and 74 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3365. Sample No. 28941-E.)**

This product contained moldy and decomposed nuts.

On November 12, 1940, the United States attorney for the District of Maryland filed a libel against 137 40-pound baskets, 33 15-pound bags, and 41 10-pound bags of Brazil nuts at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 16 and 21, 1940, by Wm. A. Higgins & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Sun-Glow."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1657. Adulteration of Brazil nuts. U. S. v. 3 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3446. Sample No. 34584-E.)**

Examination showed that these nuts were in whole or in part moldy and decomposed.

On or about November 30, 1940, the United States attorney for the District of New Jersey filed a libel against three bags of Brazil nuts at Perth Amboy, N. J., alleging that the article had been shipped in interstate commerce on or about November 2 and 7, 1940, by Wm. A. Higgins & Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1658. Adulteration of Brazil nuts. U. S. v. 33 Cases of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 3437. Sample No. 20729-E.)**

This product was in whole or in part moldy and rancid.

On November 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 cases of Brazil nuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by Red Line Commercial Co., Inc., from New York, N. Y., on or about October 5, 1940; and

charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Amazon Brand."

On January 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1659. Adulteration of pecan pieces. U. S. v. 39 Cases of Pecan Halves (and 3 other seizure actions against pecan halves or pieces). Consent decrees of condemnation. Product ordered released under bond conditioned that unfit portion be disposed of for animal feed. (F. D. C. Nos. 2639, 2640. Sample Nos. 30181-E to 30186-E, incl.)**

Many of the nuts in the samples of this product which were examined, were found to have a phenolic odor and taste.

On August 23, 1940, the United States attorney for the Northern District of Illinois filed libels against 288 cases of pecan pieces at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 20 and 22, 1940, from Clarksville, Tex., Boston, Mass., and New York, N. Y., by Black Bros.; and charging that it was adulterated.

The article was alleged to be adulterated in that it was unfit for food by reason of the presence of phenolic compounds rendering it inedible; in that an article containing added phenolic compounds had been substituted wholly or in part for pecans; and in that the phenolic compounds had been added thereto so as to reduce its quality.

On February 11 and 19, 1941, James P. Gallagher and Peter Acquilina, Chicago, Ill., claimants for respective portions of the product, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be segregated from the remainder and disposed of for animal feed.

**1660. Adulteration of peanuts. U. S. v. 20 Bags of Peanuts. Consent decree of condemnation and destruction with provision for release under bond. Attempted salvage unsuccessful and product destroyed. (F. D. C. No. 2822. Sample No. 26610-E.)**

This article had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On September 13, 1940, the United States attorney for the Western District of Washington filed a libel against 20 bags of peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 30, 1940, by the Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 31, 1940, Joseph Vinikow, Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be destroyed, but that it might be released under bond for attempted salvage by sorting out the unfit nuts. The attempt to eliminate the unfit material was unsuccessful and the product was destroyed.

**1661. Adulteration of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 3596. Sample No. 35244-E.)**

Samples of this product were found to contain rodent excreta and rodent hairs.

On December 27, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 25 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 6, 1940, by the Sessions Co. from Enterprise, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Armour's Star Peanut Butter."

On February 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### OLIVE OIL

**1662. Adulteration and misbranding of olive oil. U. S. v. Joe Grillo. Plea of guilty. Fine, \$400. Payment suspended and defendant placed on probation for 3 years. (F. D. C. No. 2090. Sample Nos. 64224-D, 83397-D.)**

This product consisted in large part of cottonseed oil.

On July 1, 1940, the United States attorney for the Southern District of California filed an information against Joe Grillo, San Pedro, Calif., alleging ship-